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August 13, 2020

VIA ECF

Hon. Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Daniel Kleeberg, Lisa Stein and Audrey Hays v. Estate of Lester Eber, et al.*
Civ. Action No.: 16-cv-09517-LAK-KHP

Dear Magistrate Parker:

Pursuant to the Court's August 10, 2020 Order, I am writing to provide an update on the status of the Monroe County Surrogate's Court issuing Letters Testamentary ("Letters") to Wendy Eber.

In my July 2, 2020 letter to the Court, I advised that Monroe County Surrogate's Court had issued a Citation directing that Lester Eber's widow (Doris Ellen Eber) and son (David G. Eber), Show Cause on August 13, 2020, why a decree should not be made admitting Lester Eber's Will to Probate, and issuing Letters to Wendy Eber.

We are advised by Stephanie Seiffert, Esq., on behalf of Wendy Eber, that on August 5, 2020, counsel for David Eber emailed Ms. Seiffert suggesting that the August 13th Surrogate's Court hearing be adjourned in order to allow David Eber and Doris Eber to discuss their issues about the Surrogate's Court matter with Wendy Eber. On Friday, August 7, 2020, Ms. Seiffert advised David Eber's counsel that she would not oppose a request for an adjournment. Ms. Seiffert advises that initial adjournments are granted as a matter of course by Monroe County Surrogate's Court, and the request would have been granted with or without her consent.

Thereafter, on the morning of Monday, August 10th, Ms. Seiffert received an email from the Surrogate's Court Clerk confirming that David Eber's counsel had called the Court requesting an adjournment until September 24, 2020. The Clerk asked Ms. Seiffert to consent to

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the adjournment - which she did via email a short time later. A copy of the email exchange between the Court Clerk and Ms. Seiffert is attached hereto.

Accordingly, the matter is now scheduled to be heard on September 24, 2020 at 9:30 a.m. We will provide a further update to the Court following the September 24th appearance.

Respectfully submitted,



Colin D. Ramsey

CDR:ar
Enclosure

From: Seiffert, Stephanie
Sent: Monday, August 10, 2020 12:35 PM

To: 'Ellen Sargent' <esargent@nycourts.gov>; 'motoole@hselaw.com' <motoole@hselaw.com>; gfreidman@gss-law.com

Cc: Gail Matyi <gmatyi@nycourts.gov>

Subject: RE: Adjournment confirmation needed- Lester Eber 2020-1048

Good Afternoon Ellen:

Thank you for your email. I consent to the 6 week adjournment as requested by Mr. Freidman.

With warm regards,

Stephanie



Stephanie T. Seiffert

Partner

sseiffert@nixonpeabody.com

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From: Ellen Sargent <esargent@nycourts.gov>

Sent: Monday, August 10, 2020 11:33 AM

To: Seiffert, Stephanie <sseiffert@nixonpeabody.com>; 'motoole@hselaw.com'

<motoole@hselaw.com>; gfreidman@gss-law.com

Cc: Gail Matyi <gmatyi@nycourts.gov>

Subject: Adjournment confirmation needed- Lester Eber 2020-1048

[EXTERNAL E-MAIL]

Good Morning-

The Court received a call from John @ Greenfield Stein requesting an adjournment for the above listed file, scheduled for this Thursday, August 13th @ 9:45a.m.

Please confirm that you consent to this requested 6-week adjournment by replying to this e-mail.

We have Thursday, Sept. 24th @ 9:30 a.m. available, please confirm this date is agreeable.

Thank you,
Ellen

Ellen K. Sargent, Court Clerk
Monroe County Surrogate's Court
541 Hall of Justice
Rochester, NY 14614
(585)371-3310